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Docket No. 50533

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Barclay et al.

Serial No.: 09/778,365

Filed: February 7, 2001

For: HIGH RESOLUTION PHOTORESIST COMPOSITIONS

RECEIVED

MAR 29 2002

OFFICE OF PETITIONS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

SUPPLEMENTAL
DECLARATION IN SUPPORT OF PETITION UNDER 37 CFR 1.10(c)

I Deanna Rivernider declare as follows:

1. I am employed as a legal assistant to attorney Peter Corless of the law firm Edwards & Angell, LLP. I work out of Edwards and Angell's satellite office in Marlborough, Massachusetts.
2. Peter Corless received a decision dismissing petition dated September 21, 2001 due to insufficient information and a Petition for Reconsideration is enclosed.
3. Immediately upon receipt of the Dismissal of the Petition received from the U.S. Patent Office, I contacted the U.S. Post Office and explained that the copy of the facsimile letter from the United States Postal was not sufficient proof of the "Date-In" of the package. Since the person who deposited the package did not keep a copy of the Express Mail Label or record the date in a log book, I asked the U.S. Post Office (South Station Annex, Boston, Massachusetts) to attempt to locate their copy. After quite some time, I received a telephone call from the U.S. Postal worker assisting me with this matter who informed me that they were unable to locate a copy since it was over six months old. He informed me that he would then attempt to locate the "Finance Copy" of the label. I have since contacted the U.S. Post Office regarding the status of the search several times, including today, and was told that they are still

U.S.S.N. 09/778,365

Filed: 02/07/01

Page 2

attempting to locate the "Finance Copy" and that it would take time because of the amount of time that has lapsed since deposit of the package. I requested that they continue to attempt to find the Finance copy of the Express Mail Label and was assured a copy showing proof of the "Date-In" would be sent to me via facsimile as soon as it is located.

4. Enclosed herewith for additional proof of "Date-In" of the Express Mail Package is a copy of two letters that I forwarded to our clients the date that I forwarded the applications to the U.S. Patent Office and respectfully request that these documents be considered proof of the date the package was deposited to retain the U.S. Patent Application priority date.

5. I also enclose a copy of the documents forwarded with the original Petition to Accord Correspondence Filing Date Shown on Express Mail Label "Date-In".

6. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

11/21/01
Date

Deanna M. Rivernider
Deanna M. Rivernider

EDWARDS & ANGELL, LLP

COUNSELLORS AT LAW

since 1894

DICE, BRONSTEIN, ROBERTS & CUSHMAN
Intellectual Property Practice Group



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MARLBOROUGH, MA OFFICE
TELEPHONE (508) 465-7772
WASHINGTON, DC OFFICE
TELEPHONE (703) 550-2583

e-mail: pcorless@ealaw.com
cell: 617 650 0256

February 7, 2001

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MAR 29 2002

OFFICE OF PETITIONS

Ms. Colleen Dew
IBM Corporation
2070 Route 52 Building 300-482
Hopewell Junction, NY 12533-6531

Re: U.S. Non-provisional Patent application based upon
Provisional Application Serial No. U.S.S.N. 60/180,905, filed 02/07/00
Entitled "High Resolution Photoresist Compositions"
IBM Reference: CHQ9-99-0093
Shipley Reference: 50533

Dear Colleen:

In connection with the above-referenced application, enclosed please find a copy of the Application Transmittal and application as filed with the U.S. Patent and Trademark Office today.

Also enclosed please find U.S. Declaration and Power of Attorney, U.S. Assignment and Taiwan Oath and Assignment forms that require the inventors' signatures. I ask that you please assist me in obtaining the signatures of the IBM employees on these forms so that I may promptly forward them to the U.S. Patent and Trademark Office upon receipt of the Notice to File Missing Parts.

Please contact our office if you should have any questions or if we can be of any further assistance at this time.

Sincerely yours,

Deanna M. Rivernider
Legal Assistant

DMR
Enclosure

BOSTON HARTFORD NEWPORT NEW YORK PALM BEACH PROVIDENCE SHORT HILLS



9

Docket No. 50533

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Barclay et al.

SERIAL NO. 09/778,365

FILED: February 7, 2001

FOR: HIGH RESOLUTION PHOTORESIST COMPOSITIONS

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, DC 20231
SIR:

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MAR 29 2002
OFFICE OF PETITIONS

BEST AVAILABLE COPY

**FURTHER PETITION FOR RECONSIDERATION TO
ACCORD FILING DATE OF FEBRUARY 7, 2001**

Applicants received Decision Dismissing Request for Reconsideration dated January 16, 2002 in the referenced matter. Copies of that Decision and prior documents submitted by Applicants are enclosed.

Applicants petition to be accorded a filing date of February 7, 2001 rather than February 8, 2001 has been refused. The basis for that refusal to grant the February 7 filing date is that Applicants have not provided a copy of the Express Mail Label receipt with date-in notation.

Applicants have not been able to locate a copy of that Express Mail Label receipt.

However, Applicants have provided another clear evidence of an Express Mail date in of February 7, 2001. In particular, Applicants have provided confirmation generated by the U.S. Postal service that the Express Mail package containing the above-identified application was *delivered on February 8, 2001 at 10:52 am to Washington D.C.* A copy of that U.S. Postal Service confirmation is directly attached to this Petition.

Thus, the application could not have been *delivered* on February 8, 2001 unless it was deposited with the U.S. Postal Service on February 7, 2001. The undersigned attorney hereby avers that the application was deposited with a U.S. Post Office located in Massachusetts.

BEST AVAILABLE COPY

That USPS confirmation clearly satisfies 37 CFR 1.10 and the grant of a filing date of February 7, 2001. In particular, 37 CFR 1.10 does not somehow require an Express Mail label receipt as evidence of a USPS deposit date. Indeed, 37 CFR 1.10(a) states that only if the USPS deposit date cannot be determined, the correspondence then will be accorded the Office receipt date as the filing date.

In this case, the USPS confirmed that the date of deposit was February 7, 2001.

This petition satisfies any of the various requirements for petition under 37 CFR 1.10, including 37 CFR 1.10(d). The enclosed copies show that Applicants have acted promptly and the Express Mail label number was placed on filed papers.

In view thereof, the grant of a filing date of February 7, 2001 for the above-identified application is respectfully requested.

Respectfully submitted,



Peter F. Corless (Reg. 33,860)
EDWARDS & ANGELL, LLP
Dike, Bronstein, Roberts & Cushman IP Group
P.O. Box 9169
Boston, MA 02209
(617) 523-3400

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this Further Petition and accompanying documents in, on the date shown below being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: March 18, 2002

Signature:



Name: Peter F. Corless



Practitioner's Docket No. 50533

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

☒ In re application of: Barclay et al.
Application No.: 09 / 778,365 Group No. 1752
Filed: February 7, 2001 Examiner: Not Yet Assigned
For: HIGH RESOLUTION PHOTORESIST COMPOSITIONS

MAR 29 2002

OFFICE OF PETITIONS

☐ Patent No.: _____ Issue date: _____

NOTE: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION FOR RECONSIDERATION
PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN
ON EXPRESS MAIL LABEL "DATE-IN"
(37 C.F.R. 1.10(c))

1. This is a petition for Reconsideration to accord the correspondence in the above-identified
☒ application
☐ patent

the "date-in" of 02/07/01 shown on the Express Mail label No. EL770089445US

It is respectfully contended that the date of 02/08/01 accorded this correspondence by the PTO is correct.

2. Submitted herewith is the statement of Deanna M. Rivernider as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. 1.10(c)(1).

3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. EL770089445US and that the number of the Express Mail was placed thereon prior to mailing. 37 C.F.R. 1.10(c)(2).

4. Attached is true copy of the "Express Mail" mailing label showing the "date-in" of USPS attempting* 37 C.F.R. 1.10(c)(3). *to locate Finance Copy of Label and will forward via facsimile

NOTE: See 37 C.F.R. 1.10(c)(3).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 11/21/01

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Deanna M. Rivernider
Signature

Deanna M. Rivernider
(type or print name of person certifying)

5. ☒ Other


- (1) Copy of Petition filed September 4, 2001 with encl sures
- (2) Copy of Decision Dismissing Petition
- (3) Supplemental Statement of Deanna M. Rivernider
- (4) Additional Proof of "Date-In" of Express Mail Package
 - (a) Letter to client (IBM) confirming timely filing of the application on the day the application was mailed; and
 - (b) Letter to client (SHIPLEY) confirming timely filing of the application on the day the application was mailed.

6. The petition fee (37 C.F.R. 1.17(h)) is paid as follows:

- ☒ Enclosed please find a check payable to the "Commissioner of Patents" for the sum of \$130.00
- ☐ Please charge Account No. _____ the sum of ... \$130.00

A duplicate of this petition is enclosed.

☒ Please charge Account No. 04-1105 for any fee deficiency or credit this account for any overpayment for this petition.



Signature of Practitioner

Date: 11/21/01

Reg. No: 33,860

Tel. No.: (617) 523-3400

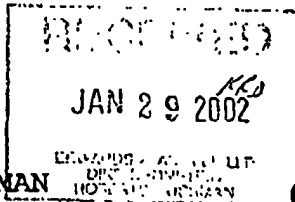
Customer No.:

Peter F. Corless
(type or print name of practitioner)
Edwards & Angell, LLP
Dike, Bronstein, Roberts & Cushman, IP Group
P.O. Address
P.O. Box 9169
Boston, MA 02209



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



Paper No. 6

EDWARDS & ANGELL
DIKE BRONSTEIN ROBERTS & CUSHMAN
IP GROUP
130 WATER STREET
BOSTON, MA 02109

COPY MAILED

JAN 16 2002

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OFFICE OF PETITIONS

MAR 29 2002

OFFICE OF PETITIONS

In re Application of
George G. Barclay et al
Application No. 09/778,365
Filed: February 8, 2001
Attorney Docket No. 50533

:
: **DECISION DISMISSING**
: **REQUEST FOR**
: **RECONSIDERATION**
:

This is a decision on the petition for reconsideration filed January 3, 2002, requesting that the above-identified application be accorded a filing date of February 7, 2001, pursuant to the provisions under 37 CFR 1.10, rather than the presently accorded date of February 8, 2001. The petition is filed in response to a Decision Dismissing Petition mailed September 21, 2001.

Petitioners have submitted, inter alia, a second declaration by counsel's legal assistant Deanna M. Rivernider which details her contacts with the USPS. However, the evidence submitted does not substantiate that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service.

The petition was reconsidered as requested, but the result is the same. Accordingly, the petition is DISMISSED. The \$130.00 petition fee is being credited to counsel's deposit account.

This decision is again made without prejudice to reconsideration upon the filing of a request therefor, accompanied by the necessary corroborating evidence from the USPS or other evidence that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Any further request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)) and should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Petitions to the Commission
Edwards & Angell LLP
Dike, Bronstein, Roberts & Cushman
101 Federal St. Boston, MA 02110
Date Rec'd 1/28/02
Docketed For Feb. 16 - 17, 2002
By RLD
Approved _____



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OFFICE OF PETITIONS

Mailing Date: **November 21, 2001**

Client: **Shipley (70329)**

Inventors: **Barclay et al.**

Serial No.: **09/778,365**

Filing Date: **February 7, 2001**

Attorney Sec. **PFC/dmr**

Docket No **50533**

Patent No :

Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of

**Petition for Reconsideration of Dismissal of Petition;
New Petition to Accord Correspondence Filing Date
Shown on Express Mail Label "Date-In"; Supplemental
Declaration in Support of Petition Under 37 CFR 1.10(c);
Copy of letters forwarded to clients the date of
filing the application; Copy of Decision Dismissing
Petition; Copy of Original Petition to Accord
Correspondence Filing Date Shown on Express Mail Label
and Attachments; check in the amount of \$130.00
Due Date: **November 21, 2001****



EDWARDS & ANGELL, LLP

COUNSELLORS AT LAW

since 1894

28 Lord Road Suite 230
Marlboro, MA 01752

EXPLANATION	AMOUNT
Code: 122	

57-1/115

1657

AMOUNT One Hundred Thirty Dollars and 00/100 DOLLARS

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11/01	Hon. Comm for Patents	(70329) 50533	1657	\$ 130.00

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Intellectual Property Practice Group



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Marlborough, MA Office
Telephone (508) 485-7772

Washington, DC Office
Telephone (703) 553-2563

e-mail: pcorless@ealaw.com
cell: 617 650 0256

February 7, 2001

Darryl P. Frickey
Patent Counsel
Shipley Company, L.L.C.
455 Forest Street
Marlborough, MA 01752

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MAR 29 2002

OFFICE OF PETITIONS

Re: U.S. Non-provisional Patent application based upon
Provisional Application Serial No. U.S.S.N. 60/180,905, filed 02/07/00
Entitled "High Resolution Photoresist Compositions"
Shipley Reference: 50533
IBM Reference: CHQ9-99-0093

Dear Darryl:

In connection with the above-referenced application, enclosed please find a copy of the Application Transmittal and application as filed with the U.S. Patent and Trademark Office today.

Also enclosed please find U.S. Declaration and Power of Attorney, U.S. Assignment and Taiwan Oath and Assignment forms that require the inventors' signatures. I ask that you please assist me in obtaining the signatures of the IBM employees on these forms so that I may promptly forward them to the U.S. Patent and Trademark Office upon receipt of the Notice to File Missing Parts.

Please contact our office if you should have any questions or if we can be of any further assistance at this time.

Sincerely yours,

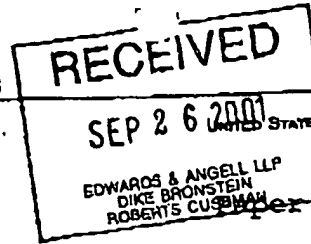
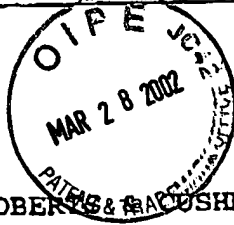
Deanna M. Rivernider
Legal Assistant

DMR
Enclosure

BOSTON HARTFORD NEWPORT NEW YORK PALM BEACH PROVIDENCE SHORT HILLS



514
UNITED STATES PATENT AND TRADEMARK OFFICE



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PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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EDWARDS & ANGELL
DIKE BRONSTEIN ROBERTS & CUSHMAN
IP GROUP
130 WATER STREET
BOSTON, MA 02109

COPY MAILED

SEP 21 2001

OFFICE OF PETITIONS

RECEIVED

MAR 29 2002

In re Application of
George G. Barclay et al
Application No. 09/778,365
Filed: February 8, 2001
Attorney Docket No. 50533

DECISION DISMISSING OFFICE OF PETITIONS
PETITION

This is a decision on the petition under 37 CFR 1.10(c) filed September 4, 2001, which is properly treated as a petition under 37 CFR 1.10 (d), requesting that the above-identified application be accorded a filing date of February 7, 2001, rather than the presently accorded filing date of February 8, 2001.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on February 7, 2001. In support, the petition is accompanied by a declaration of Deanna Rivernider, a legal assistant to attorney Peter Corless, and a copy of a facsimile letter from the United States Postal Service (USPS) confirming that the package in question was delivered to the PTO on February 8, 2001.

Paragraph (a) of 37 CFR 1.10 states that:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See §1.6(a).

Paragraph (d) of 37 CFR 1.10 states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly

entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in 'Express Mail Post Office to Addressee' service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS." Evidence from the USPS may be the Express Mail Corporate Account Mailing Statement. Evidence that came into being within one day after the deposit of the correspondence as Express Mail may be in the form of a log book which contains information such the place, date and time of deposit; the time of the last scheduled pick-up for that date; and the date and time of entry in the log.

The petition filed September 4, 2001 is not accompanied by the evidence required by the rule. Accordingly, the petition is dismissed. The \$130.00 petition fee is being credited to counsel's deposit account.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)) and should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

The application is being returned to Initial Patent Examination Division to await petitioners' response to the Notice mailed April 2, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley
Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

petition reconsideration
Edwards & Angell LLP
Dike, Bronstein, Roberts & Cushman
101 Federal St. Boston, MA 02110
Date Rec'd 9/26
Docketed For OCT 21 - NOV 21, 2001
By ELM
Approved _____



Practitioner's Docket No. 50533

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Barclay et al.

Application No.: 09 / 778,365

Group No. 1752

Filed: February 7, 2001

Examiner: Not Yet Assigned

For: HIGH RESOLUTION PHOTORESIST COMPOSITIONS

RECEIVED

MAR 29 2002

OFFICE OF PETITIONS

☐ Patent No.:

Issue date:

NOTE: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN
ON EXPRESS MAIL LABEL "DATE-IN"
(37 C.F.R. 1.10(c))

1. This is a petition to accord the correspondence in the above-identified

☒ application

☐ patent

the "date-in" of 02/07/01 shown on the Express Mail label No. EL770089445US

It is respectfully contended that the date of 02/08/01 accorded this correspondence by the PTO is correct.

2. Submitted herewith is the statement of Deanna M. Rivernider as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. 1.10(c)(1).

3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. EL770089445US and that the number of the Express Mail was placed thereon prior to mailing. 37 C.F.R. 1.10(c)(2).

4. Attached is true copy of the "Express Mail" mailing label showing the "date-in" of unable to locate. 37 C.F.R. 1.10(c)(3). *Copy of Confirmation from the U.S. Postal Service is enclosed.

NOTE: See 37 C.F.R. 1.10(c)(3).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 8/29/01

Deanna M. Rivernider
Signature

Deanna M. Rivernider
(type or print name of person certifying)

5. ☒ Other

6. The petition fee (37 C.F.R. 1.17(h)) is paid as follows:

☒ Enclosed please find a check payable to the "Commissioner of Patents" for the sum of \$130.00

☐ Please charge Account No. _____ the sum of ... \$130.00

A duplicate of this petition is enclosed.

☒ Please charge Account No. 04-1105 for any fee deficiency or credit this account for any overpayment for this petition.



Signature of Practitioner

Date:

Peter F. Corless

(Type or print name of practitioner)

EDWARDS & ANGELL, LLP

Reg. No: 33,860

Dike, Bronstein, Roberts & Cushman, IP Group

P.O. Address

P.O. Box 9169

Tel. No.: (617) 523-3400

Boston, MA 02209

Customer No.:



Practitioner's Docket No.

50533

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

MAR 29 2002

OFFICE OF PETITIONS

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): George G. BARCLAY, Robert G. HEUMANN, Edward W. RUTTER, Jr.,
Jung-Kuang R. CHEN, Margaret C. LAWSON, George M. JORDHAMO,
Timothy M. HUGHES, Wayne M. MOREAU and Ann Marie MEWHERTER

WARNING: 37 CFR 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): HIGH RESOLUTION PHOTORESIST COMPOSITIONS

CERTIFICATION UNDER 37 C.F.R. 1.10*
(Express Mail label number is mandatory.)
(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date February 7, 2001, in an envelope as "Express Mail Post Office to Addressee," mailing label Number EL770089445US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Deanna M. Rivernider

(type or print name of person mailing paper)

Deanna M. Rivernider

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



PROVISIONAL PATENT APPLICATION
Docket No. 50533
Express Mail Label No. EL770089445US

HIGH RESOLUTION PHOTORESIST COMPOSITIONS

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BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to photoresist compositions and methods for preparation of same and, more particularly, to preparative methods that produce high resolution resists.

2. Background

Photoresists are photosensitive films for transfer of images to a substrate and form negative or positive images. After coating a photoresist on a substrate, the coating is exposed through a patterned photomask to a source of activating energy such as ultraviolet light to form a latent image in the photoresist coating. The photomask has areas opaque and transparent to activating radiation that define a desired image to be transferred to the underlying substrate. A relief image is provided by development of the latent image pattern in the resist coating. The use of photoresists is generally described, for example, by Deforest, Photoresist Materials and Processes, McGraw Hill Book Company, New York (1975), and by Moreau, Semiconductor Lithography, Principles, Practices and Materials, Plenum Press, New York (1988).

While currently available photoresists are suitable for many applications, current resists also can exhibit significant shortcomings, particularly in high performance applications such as e.g. formation of highly resolved sub-half micron and sub-quarter micron features.

More recently, chemically-amplified-type resists have been increasingly employed. Such photoresists may be negative-acting or positive-acting and generally



Docket No. 50533

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Barclay et al.

SERIAL NO.: 09/778,365

FILED: February 7, 2001

FOR: HIGH RESOLUTION PHOTORESIST COMPOSITIONS

Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

DECLARATION IN SUPPORT OF PETITION UNDER 37 CFR 1.10(c)

I, Deanna Rivernider, declare as follows:

1. I am employed as a legal assistant to attorney Peter Corless of the law firm Edwards & Angell, LLP. I work out of Edwards and Angell's satellite office in Marlborough, Massachusetts.
2. While preparing a response to Notice to File Missing Parts on August 28, 2001 for the subject application, I noticed that the filing date of February 8, 2001 on the U.S. Patent Office Filing Receipt appeared to be incorrect. A copy of the Filing Receipt is attached hereto.
3. Immediately, upon discovering the discrepancy, I called the automated U.S. Express Mail status line and received information by telephone and facsimile indicating the package was delivered to M. Anderson in Washington D.C. 20231 on February 8, 2001 at 10:52 a.m. Therefore, the application should have been assigned the filing date of February 7, 2001 based on the date of deposit. A copy of the confirmation letter faxed from the United States Postal Service on August 28, 2001 is attached hereto.

U.S.S.N. 09/778,365

Filed: 02/07/01

Page 2

4. I discovered the discrepancy on August 28, 2001, and in consideration of the filing date of this petition, I believe this petition is being filed promptly thereafter.

5. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8/28/01
Date

Deanna M. Rivernider
Deanna M. Rivernider



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**UNITED STATES
POSTAL SERVICE™**


Date: 11/19/2001

Fax Transmission To: DEANNA RIVERNIDER
Fax Number: 508-485-0363

Dear DEANNA RIVERNIDER :

The following is in response to your 11/19/2001 request for delivery information on your Express Mail Item number EL770089445US. The delivery record shows that this item was delivered on 02/08/2001 at 10:52 AM in WASHINGTON, DC 20231 to M ANDERSON. The scanned image of the recipient information is provided below.

Signature of Recipient: Delivery Section


M J ANDERSON

Address of Recipient: Patents 20231

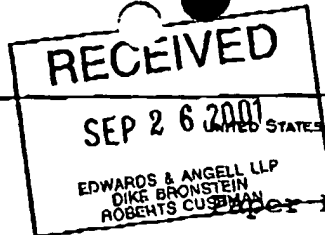
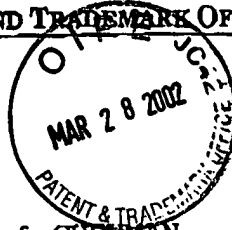
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BOSTON, MA 02109

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In re Application of
George G. Barclay et al
Application No. 09/778,365
Filed: February 8, 2001
Attorney Docket No. 50533

:
: DECISION DISMISSING
: PETITION
:

This is a decision on the petition under 37 CFR 1.10(c) filed September 4, 2001, which is properly treated as a petition under 37 CFR 1.10 (d), requesting that the above-identified application be accorded a filing date of February 7, 2001, rather than the presently accorded filing date of February 8, 2001.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on February 7, 2001. In support, the petition is accompanied by a declaration of Deanna Rivernider, a legal assistant to attorney Peter Corless, and a copy of a facsimile letter from the United States Postal Service (USPS) confirming that the package in question was delivered to the PTO on February 8, 2001.

Paragraph (a) of 37 CFR 1.10 states that:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See §1.6(a).

Paragraph (d) of 37 CFR 1.10 states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly

entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in 'Express Mail Post Office to Addressee' service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS." Evidence from the USPS may be the Express Mail Corporate Account Mailing Statement. Evidence that came into being within one day after the deposit of the correspondence as Express Mail may be in the form of a log book which contains information such the place, date and time of deposit; the time of the last scheduled pick-up for that date; and the date and time of entry in the log.

The petition filed September 4, 2001 is not accompanied by the evidence required by the rule. Accordingly, the petition is dismissed. The \$130.00 petition fee is being credited to counsel's deposit account.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)) and should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

The application is being returned to Initial Patent Examination Division to await petitioners' response to the Notice mailed April 2, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley
Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Petition Reconsideration
Edwards & Angell LLP
Dike, Bronstein, Roberts & Cushman
101 Federal St. Boston, MA 02110
Date Rec'd 2/2/01
Docketed For OCT 2-1 - NOV 2-1, 2001
By ELM
Approved _____

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M ANDERSON

Address of Recipient: Patents 20231

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

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